

105TH CONGRESS
2D SESSION

S. 2513

To transfer administrative jurisdiction over certain Federal land located within or adjacent to Rogue River National Forest and to clarify the authority of the Bureau of Land Management to sell and exchange other Federal land in Oregon.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 23, 1998

Mr. SMITH of Oregon introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

A BILL

To transfer administrative jurisdiction over certain Federal land located within or adjacent to Rogue River National Forest and to clarify the authority of the Bureau of Land Management to sell and exchange other Federal land in Oregon.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Oregon Public Land Transfer and Protection Act of
6 1998”.

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—ROGUE RIVER NATIONAL FOREST TRANSFERS

Sec. 101. Land transfers involving Rogue River National Forest and other public land in Oregon.

TITLE II—PROTECTION OF OREGON AND CALIFORNIA RAILROAD GRANT LAND

Sec. 201. Definitions.

Sec. 202. No net loss of O & C land, CBWR land, or public domain land.

Sec. 203. Relationship to Umpqua land exchange authority.

TITLE I—ROGUE RIVER NATIONAL FOREST TRANSFERS

SEC. 101. LAND TRANSFERS INVOLVING ROGUE RIVER NATIONAL FOREST AND OTHER PUBLIC LAND IN OREGON.

(a) TRANSFER FROM PUBLIC DOMAIN TO NATIONAL FOREST.—

(1) LAND TRANSFER.—The public domain land depicted on the map entitled “BLM/Rogue River N.F. Administrative Jurisdiction Transfer” and dated April 28, 1998, consisting of approximately 2,058 acres within the external boundaries of Rogue River National Forest in the State of Oregon, is added to and made a part of Rogue River National Forest.

(2) ADMINISTRATIVE JURISDICTION.—Administrative jurisdiction over the land described in para-

1 graph (1) is transferred from the Secretary of the
2 Interior to the Secretary of Agriculture.

3 (3) MANAGEMENT.—Subject to valid existing
4 rights, the Secretary of Agriculture shall manage the
5 land described in paragraph (1) as part of Rogue
6 River National Forest in accordance with the Act of
7 March 1, 1911 (commonly known as the “Weeks
8 Law”) (36 Stat. 961, chapter 186), and other laws
9 (including regulations) applicable to the National
10 Forest System.

11 (b) TRANSFER FROM NATIONAL FOREST TO PUBLIC
12 DOMAIN.—

13 (1) LAND TRANSFER.—The Federal land de-
14 picted on the map entitled “BLM/Rogue River N.F.
15 Administrative Jurisdiction Transfer” and dated
16 April 28, 1998, consisting of approximately 1,632
17 acres within the external boundaries of Rogue River
18 National Forest, is transferred to unreserved public
19 domain status, and the status of the land as part of
20 Rogue River National Forest and the National For-
21 est System is revoked.

22 (2) ADMINISTRATIVE JURISDICTION.—Adminis-
23 trative jurisdiction over the land described in para-
24 graph (1) is transferred from the Secretary of Agri-
25 culture to the Secretary of the Interior.

1 (3) MANAGEMENT.—Subject to valid existing
 2 rights, the Secretary of the Interior shall administer
 3 such land under the laws (including regulations) ap-
 4 plicable to unreserved public domain land.

5 (c) RESTORATION OF STATUS OF CERTAIN NA-
 6 TIONAL FOREST LAND AS REVESTED RAILROAD GRANT
 7 LAND.—

8 (1) RESTORATION OF EARLIER STATUS.—The
 9 Federal land depicted on the map entitled “BLM/
 10 Rogue River N.F. Administrative Jurisdiction
 11 Transfer” and dated April 28, 1998, consisting of
 12 approximately 4,298 acres within the external
 13 boundaries of Rogue River National Forest, is re-
 14 stored to the status of revested Oregon and Califor-
 15 nia Railroad grant land, and the status of the land
 16 as part of Rogue River National Forest and the Na-
 17 tional Forest System is revoked.

18 (2) ADMINISTRATIVE JURISDICTION.—Adminis-
 19 trative jurisdiction over the land described in para-
 20 graph (1) is transferred from the Secretary of Agri-
 21 culture to the Secretary of the Interior.

22 (3) MANAGEMENT.—Subject to valid existing
 23 rights, the Secretary of the Interior shall administer
 24 the land described in paragraph (1) under the Act
 25 of August 28, 1937 (43 U.S.C. 1181a et seq.), and

1 other laws (including regulations) applicable to re-
2 vested Oregon and California Railroad grant land
3 under the administrative jurisdiction of the Sec-
4 retary of the Interior.

5 (d) ADDITION OF CERTAIN REVESTED RAILROAD
6 GRANT LAND TO NATIONAL FOREST.—

7 (1) LAND TRANSFER.—The revested Oregon
8 and California Railroad grant land depicted on the
9 map entitled “BLM/Rogue River N.F. Administra-
10 tive Jurisdiction Transfer” and dated April 28,
11 1998, consisting of approximately 960 acres within
12 the external boundaries of Rogue River National
13 Forest, is added to and made a part of Rogue River
14 National Forest.

15 (2) ADMINISTRATIVE JURISDICTION.—Adminis-
16 trative jurisdiction over the land described in para-
17 graph (1) is transferred from the Secretary of the
18 Interior to the Secretary of Agriculture.

19 (3) MANAGEMENT.—Subject to valid existing
20 rights, the Secretary of Agriculture shall manage the
21 land described in paragraph (1) as part of Rogue
22 River National Forest in accordance with the Act of
23 March 1, 1911 (36 Stat. 961, chapter 186), and
24 other laws (including regulations) applicable to the
25 National Forest System.

1 (4) DISTRIBUTION OF RECEIPTS.—Notwith-
2 standing the sixth paragraph under the heading
3 “FOREST SERVICE” in the Act of May 23, 1908 and
4 section 13 of the Act of March 1, 1911 (16 U.S.C.
5 500), revenues derived from the land described in
6 paragraph (1) shall be distributed in accordance
7 with the Act of August 28, 1937 (43 U.S.C. 1181a
8 et seq.).

9 (e) BOUNDARY ADJUSTMENT.—The boundaries of
10 Rogue River National Forest are adjusted to encompass
11 the land transferred to the administrative jurisdiction of
12 the Secretary of Agriculture under this section and to ex-
13 clude private property interests adjacent to the exterior
14 boundaries of Rogue River National Forest, as depicted
15 on the map entitled “Rogue River National Forest Bound-
16 ary Adjustment” and dated April 28, 1998.

17 (f) MAPS.—Not later than 60 days after the date of
18 enactment of this Act, the maps described in this section
19 shall be available for public inspection in the office of the
20 Chief of the Forest Service.

21 (g) MISCELLANEOUS REQUIREMENTS.—As soon as
22 practicable after the date of enactment of this Act, the
23 Secretary of the Interior and the Secretary of Agriculture
24 shall—

1 (1) revise the public land records relating to the
 2 land transferred under this section to reflect the ad-
 3 ministrative, boundary, and other changes made by
 4 this section; and

5 (2) publish in the Federal Register appropriate
 6 notice to the public of the changes in administrative
 7 jurisdiction made by this section with regard to the
 8 land.

9 **TITLE II—PROTECTION OF OR-**
 10 **EGON AND CALIFORNIA RAIL-**
 11 **ROAD GRANT LAND**

12 **SEC. 201. DEFINITIONS.**

13 In this title:

14 (1) O & C LAND.—The term “O & C land”
 15 means the land (commonly known as “Oregon and
 16 California Railroad grant land”) that—

17 (A) revested in the United States under
 18 the Act of June 9, 1916 (39 Stat. 218, chapter
 19 137); and

20 (B) is managed by the Secretary of the In-
 21 terior through the Bureau of Land Manage-
 22 ment under the Act of August 28, 1937 (43
 23 U.S.C. 1181a et seq.).

1 (2) CBWR LAND.—The term “CBWR land”
 2 means the land (commonly known as “Coos Bay
 3 Wagon Road grant land”) that—

4 (A) was reconveyed to the United States
 5 under the Act of February 26, 1919 (40 Stat.
 6 1179, chapter 47); and

7 (B) is managed by the Secretary of the In-
 8 terior through the Bureau of Land Manage-
 9 ment under the Act of August 28, 1937 (43
 10 U.S.C. 1181a et seq.).

11 (3) PUBLIC DOMAIN LAND.—

12 (A) IN GENERAL.—The term “public do-
 13 main land” has the meaning given the term
 14 “public lands” in section 103 of the Federal
 15 Land Policy and Management Act of 1976 (43
 16 U.S.C. 1702).

17 (B) EXCLUSIONS.—The term “public do-
 18 main land” does not include O & C land or
 19 CBWR land.

20 (4) GEOGRAPHIC AREA.—The term “geographic
 21 area” means the area in the State of Oregon within
 22 the boundaries of the Medford District, Roseburg
 23 District, Eugene District, Salem District, Coos Bay
 24 District, and Klamath Resource Area of the
 25 Lakeview District of the Bureau of Land Manage-

1 ment, as the districts and the resource area were
2 constituted on January 1, 1998.

3 (5) SECRETARY.—The term “Secretary” means
4 the Secretary of the Interior.

5 **SEC. 202. NO NET LOSS OF O & C LAND, CBWR LAND, OR**
6 **PUBLIC DOMAIN LAND.**

7 In carrying out sales, purchases, and exchanges of
8 land in the geographic area, the Secretary shall ensure
9 that on expiration of the 10-year period beginning on the
10 date of enactment of this Act and on expiration of each
11 10-year period thereafter, the number of acres of O & C
12 land and CBWR land in the geographic area, and the
13 number of acres of O & C land, CBWR land, and public
14 domain land in the geographic area that are available for
15 timber harvesting, are not less than the number of acres
16 of such land on the date of enactment of this Act.

17 **SEC. 203. RELATIONSHIP TO UMPQUA LAND EXCHANGE AU-**
18 **THORITY.**

19 Notwithstanding any other provision of this title, this
20 title shall not apply to an exchange of land authorized
21 under section 1028 of the Omnibus Parks and Public
22 Lands Management Act of 1996 (Public Law 104–333;
23 110 Stat. 4231), or any implementing legislation or ad-
24 ministrative rule, if the land exchange is consistent with
25 the memorandum of understanding between the Umpqua

1 Land Exchange Project and the Association of Oregon
2 and California Land Grant Counties dated February 19,
3 1998.

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